



# PUBLIC NOTICE

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**Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554**

**DA 02-974  
April 29, 2002**

## **COMMENTS INVITED ON AVISTA COMMUNICATIONS, INC. APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**Comp. Pol. File No. 578**

**Comments Due: May 13, 2002**

### **Section 214 Application**

**Applicant: Avista Communications, Inc.**

On **March 15, 2002**, **Avista Communications, Inc. (Applicant or Avista)**, located at **422 W. Riverside Ave., Suite 100, Spokane, WA 99201**, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue its domestic telecommunications services.

The application indicates Avista Communications, Inc., seeks to discontinue providing certain domestic telecommunications services in several communities in Washington, where they operate under Avista Communications of Washington, Inc. and in Idaho where they operate as Avista Communications of Idaho, Inc. Specifically, Avista seeks to discontinue the provision of local exchange telephone services, which include voice and integrated voice/data packages as well as retail point-to-point private line services in the communities of Spokane and Clarkston Washington and Coeur d'Alene, Hayden Lake, Lewiston and Post Falls Idaho. Avista Communications asserts that it has entered into an agreement with XO Communications, which provided for the purchase of the customer base and some assets effective on or about April 1, 2002. Notices were sent to affected customers notifying them of the sale and providing them additional information on the transaction. Spokane, Coeur d'Alene, Post Falls and Hayden Lake notices were sent on December 13, 2001 and Lewiston and Clarkston notices were sent February 19, 2002.

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31<sup>st</sup>) day after the release date of this notice, unless the Commission has notified Applicant that the grant will not be automatically effective. The FCC will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity is otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.<sup>1</sup> Comments objecting to this application must be filed with the Commission by **May 13, 2002**. Such comments should refer to application file number **Comp. Pol. File No. 578**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. Comments should also be served upon Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Pamela Arluk.

Interested parties who wish to file comments via messenger-delivery or hand-delivery are also notified that effective December 18, 2001, the Commission will only receive such deliveries weekdays from 8:00 a.m. to 7:00 p.m., via its contractor, Vistronix, Inc., located at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. **The Commission no longer accepts these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743.** Please note that all hand deliveries must be held together with rubber bands or fasteners, and envelopes must be disposed of before entering the building. In addition, this is a reminder that as of October 18, 2001, the Commission no longer accepts hand-delivered or messenger-delivered filings at its headquarters at 445 12th Street, SW, Washington, DC 20554. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open weekdays from 8:00 a.m. to 5:30 p.m. USPS First-Class, Express, and Priority Mail should be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The following chart summarizes this information:

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
Hand-delivered or messenger-delivered paper filings	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (Weekdays - 8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (this type excludes USPS Express	9300 East Hampton Drive, Capitol Heights, MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)

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<sup>1</sup> See generally 47 C.F.R. §§ 1.1200 - 1.1216.

and Priority Mail)	
USPS First-Class, Express, and Priority Mail	445 12 <sup>th</sup> Street, SW Washington, DC 20554

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at **[qualexint@aol.com](mailto:qualexint@aol.com)**.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), **[cweather@fcc.gov](mailto:cweather@fcc.gov)**, or Pamela Arluk (202) 418-1471 (voice), **[parluk@fcc.gov](mailto:parluk@fcc.gov)**, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit **<http://www.fcc.gov/wcb/cpd/other adjud>**

**-FEDERAL COMMUNICATIONS COMMISSION-**